



II. RESPONSE TO RESTRICTION REQUIREMENT

A. State of the Claims

Claims 26-51 were pending at the time of the Restriction Requirement. Claims 44-49 are withdrawn from consideration at the present time in view of the remarks and election made below in response to the Restriction Requirement. Therefore, claims 26-51 are presently pending, with claims 44-49 being withdrawn from consideration at this time.

B. Response to Restriction Requirement

As an initial point, Applicants note that the instant Restriction Requirement was issued based upon original claims 1-25 of the PCT application. Applicants respectfully point out that claims 1-25 were canceled in a Preliminary Amendment filed simultaneously with the filing of this application and replaced with new claims 26-51. The Preliminary Amendment was filed to place the subject matter of original claims 1-25 into a form more standard for prosecution in the United States Patent and Trademark Office. Applicants have responded to this Restriction Requirement by reviewing claims 26-51 and their corresponding claims in the original claim set. Applicants believe that current claims 26-43 and 50-51 correspond to the subject matter of original claims 1-17 and 23-25, which have been designated the Group I invention. Further, Applicants believe that current claims 44-49 correspond to original claims 18-22, which have been designated the Group II invention. Should the Examiner have any questions in this regard, the Examiner is invited to contact Applicants' representative listed below.

In response to the Restriction Requirement, Applicants elect, without traverse, the Group I invention, drawn to a nucleic acid, a recombinant vector, a recombinant host cell, a recombinant or transgenic plant or seed. Currently, claims 26-43 and 50-51 read on the Group I invention.

Pursuant to the statements of the Restriction Requirement and the provisions of MPEP § 821.04, Applicants reserve their right of rejoinder of the withdrawn Group II claims that depend from or otherwise include all of the limitations of the Group I claims, in the event that the Group I claims are allowed.

C. Conclusion

Applicants believe that this paper is a full response to the Restriction Requirement dated March 18, 2004, and respectfully request consideration of the instant claims in view of the remarks made above.

Should the Examiner have any questions, comments, or suggestions relating to this case, the Examiner is invited to contact the undersigned Applicants' representative at (512) 536-3035.

Please date stamp and return the enclosed postcard evidencing receipt of this paper.



III. REQUEST FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. § 1.136(a), Applicants petition for an extension of time of one month to and including May 18, 2004, in which to respond to the Restriction Requirement dated March 18, 2004.

Pursuant to 37 C.F.R. § 1.17, a check in the amount of \$110.00 is enclosed, which is the process fee for a one-month extension of time for a large entity.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No. 50-1212/CHEP:003US.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "MBL", written over the typed name.

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Date: May 18, 2004